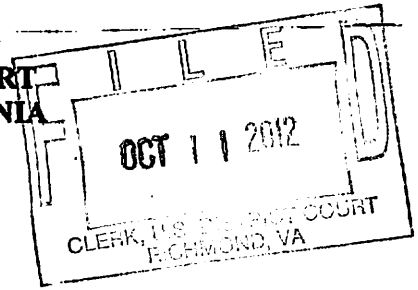


**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**



**ERIC DANTE PITT, for himself and on  
behalf of all similarly situated individuals,**

**Plaintiff,**

**v.**

**Civil Action No. 3:11cv697**

**KMART CORPORATION,  
A wholly owned subsidiary of Sears  
Holdings Corporation,**

**and**

**SEARS HOLDINGS CORPORATION,**

**Defendants.**

**AGREED ORDER**

CAME NOW Defendants Kmart Corporation and Sears Holdings Corporation (collectively "Defendants"), by counsel, and Plaintiff Eric Dante Pitt, by counsel, ("Plaintiff" and collectively with Defendants, the "Parties") upon their Joint Motion to Stay So That the Parties May Conduct Mediation.

IT APPEARS TO THE COURT that the parties have agreed to stay the case for the purposes of mediation pursuant to the terms set forth below:

1. The Parties agree to mediate the case before a mutually agreeable mediator. Mediation shall take place on or before November 26, 2012.
2. To allow time for the Parties to engage in mediation, the Parties agree to stay the case until November 26, 2012.
3. Plaintiff agrees to withdraw his Motion for Enlargement of Time To Complete Phase I Discovery and To Amend Scheduling Order, which was filed on September 28, 2012.

4. If the Parties' mediation does not fully resolve the case, the stay will be lifted on November 26, 2012 and Plaintiff shall have until December 7, 2012 to depose Brian Eby, Sara Elder, and Defendants' corporate representative pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure.

5. If the Parties' mediation does not fully resolve the case, the deadline for the Parties to file motions for summary judgment based upon Phase I discovery and for Plaintiff to file a motion seeking class certification shall be December 21, 2012. Responsive briefs shall be due on January 18, 2013 and any reply briefs shall be due on January 25, 2013.

6. A magistrate judge shall be appointed to supervise and monitor settlement discussions and shall have the authority to further enlarge the stay upon the consent of all parties. If, with the consent of all parties, it is the opinion of the magistrate judge that it is appropriate to further enlarge the stay, the deadlines set forth herein shall be reset accordingly.

UPON CONSIDERATION OF THE TERMS SET FORTH ABOVE, for good cause shown and by agreement of the Parties, it is hereby,

ORDERED, ADJUDGED and DECREED that the Parties Joint Motion to Stay So That the Parties May Conduct Mediation is GRANTED and the Parties will conduct themselves in accordance with the terms and timetables established above. The Clerk is directed to send a copy of this Order to counsel of record.

ENTERED this 11<sup>th</sup> day of October, 2012.

/s/ [Signature]  
John A. Gibney, Jr.  
United States District Judge

**WE ASK FOR THIS:**

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